

1 UNITED STATES DISTRICT COURT **Feb 14, 2018**

2 SEAN F. McAVOY, CLERK

3 EASTERN DISTRICT OF WASHINGTON

4 JUSTINA CHOW,

5 No. 1:17-cv-03117-FVS

6 Plaintiff,

7 ORDER GRANTING STIPULATED  
8 MOTION FOR REMAND  
9 PURSUANT TO SENTENCE FOUR  
10 OF 42 U.S.C. § 405(g)

11 vs.  
12 COMMISSIONER OF SOCIAL  
13 SECURITY,

14 Defendant.

15 ECF No. 13, 17

16 The parties filed a stipulated motion for remand. ECF No. 17. Attorney D.  
17 James Tree represents Plaintiff. Special Assistant U.S. Attorney Catherine Escobar  
18 represents Defendant. After consideration,

19 **IT IS HEREBY ORDERED:**

20 1. The parties' Stipulated Motion for Remand (**ECF No. 17**) is

21 **GRANTED.**

22 2. The above-captioned case is **REVERSED** and **REMANDED** to the

23 Commissioner of Social Security for further administrative proceeding

24 pursuant to sentence four of 42 U.S.C. § 405(g). The parties agree on and

25 the Court ORDERS the following terms:

1 On remand, the Administrative Law Judge (ALJ) will offer Plaintiff the  
2 opportunity for a new hearing and will issue a new decision. The ALJ will  
3 obtain medical expert evidence if necessary; reevaluate the medical  
4 evidence; reevaluate Plaintiff's subjective allegations of pain and  
5 limitations; reassess the Plaintiff's residual functional capacity; and as  
6 warranted, obtain additional vocational evidence to reevaluate step five of  
7 the sequential evaluation.

8 3. Upon proper presentation, this Court will consider Plaintiff's  
9 application for costs, expenses, and reasonable attorney's fees under the  
10 Equal Access to Justice Act, 28 U.S.C. § 2412(a),(d).

11 4. Plaintiff's motion for summary judgment (**ECF No. 13**) and the  
12 hearing and remaining briefing schedule are **vacated** as moot.

13 The District Court Executive is directed to file this Order and provide copies  
14 to counsel. Judgment shall be entered for Plaintiff and the file shall be **CLOSED**.

15 DATED February 14, 2018.

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*s/ Fred Van Sickle*  
17 Fred Van Sickle  
18 Senior United States District Judge  
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